IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE SEVENTH DAY OF JANUARY

TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE **V.V.S.RAO**

W.P. No. 26617 of 2003

Between:

Padmanilaya Binny Rice Mill, Vechareni, Cherial rep. Managing partner H.Balaiah, S/o Laxmaiah Warangal District

Petitioner

AND

1. The Assistant Divisional Engineer)Operation) NPDCL, Cherial, Warangal District
2. The Superintending Engineer, (Operation) Warangal District
3. The Assistant Divisional Engineer, (D.P.E.) Warangal District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a writ, order or direction more in the nature of certiorari calling for the records pertaining to impugned provisional assessment notice (Pilferage) No.2139/03 dated 10-12-2003 issued by the 1st respondent and quash the same and consequently direct the respondents to restore power supply to the petitioners service bearing No. 00484 by holding the action of the respondents in demanding to pay a huge amount of Rs.2,85,722/- which have arrived unilatelrally contrary to the section 126(5) and 126(6) of the Electricity Act 2003 is illegal, arbitrary discriminatory and opposed to all principles of equity, justice and fair play.

The petition coming on for orders as to admission, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of MR.Ch.Jagannadha Rao Advocate for the petitioner and Mr. K.Ravinder Kumar Advocate, SC for APSDCPL on behalf of the respondents.

The Court made the following

ORDER:

" Sri K.Ravinder Kumar takes notice for respondents and seeks time till 20-1-2004 to get instructions in the matter.

Post the writ petition for admission on 20-1-2004 in Motion List.

In the meanwhile, the respondents are directed to restore power supply to petitioner's service NO.00484 , category III subject petitioner depositing a sum of Rs.50,000/ (Rupees fifty thousand only) within a period of one week from today. IN default of which, this order shall stand vacated."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Assistant Divisional Engineer)Operation) NPDCL, Cherial, Warangal District
2. The Superintending Engineer, (Operation) Warangal District
3. The Assistant Divisional Engineer, (D.P.E.) Warangal District
   (R1 to R3 BY RPAD)
4. One Spare Copy

YVN